

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-00039-03-CR-W-DGK
)	
TOMMY HAUBRICH,)	
)	
Defendant.)	

ORDER

Pending before the Court is Defendant's Pro Se Motion to Withdraw Plea (Doc. 135) and the Government's response (Doc. 137). On September 20, 2012 and again on October 9, 2012, Defendant moved the Court for permission to proceed pro se. On October 17, 2012, during a hearing before Magistrate Judge John Maughmer, however, Defendant advised the Court that he wished to proceed with counsel. On that same date, the Court received Defendant's pro se motion to withdraw his guilty plea.

Pursuant to the Scheduling and Trial Order (Doc. 44), pro se filings will not be accepted for defendants who are represented by counsel. *See also U.S. v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994) (finding that a criminal defendant has no constitutional or statutory right to simultaneously proceed pro se and with the benefit of counsel). The Court further notes that Defendant's attorney, John Picerno, filed a motion to withdraw Defendant's guilty plea on July 8, 2012 (Doc. 96), which the Court denied on August 9, 2012 (Doc. 107). For the reasons stated in that order and because Defendant is attempting to proceed pro se while also being represented by counsel, it is hereby

ORDERED that the motion to withdraw the guilty plea is denied. This case remains set for a sentencing hearing on November 13, 2012, at 11:00 a.m.

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

Dated: November 6, 2012